

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD YOUNG,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 06-160
	)	Judge Joy Flowers Conti/
JEFFREY BEARD, Secretary of	)	Magistrate Judge Amy Reynolds Hay
Corrections (individual capacity); JOHN S.	)	
SHAFFER, Executive Deputy Secretary	)	
(individual capacity); WILLIAM S.	)	
STICKMAN, Deputy Secretary;	)	
RAYMOND J. SOBINA, Supervisory	)	
Superintendent/Western Region; ALAN B.	)	
FOGEL, Bureau of Health Care & Food	)	
Services Director; HARRY E. WILSON,	)	
Superintendent at S.C.I. Fayette; ROBERT	)	
TRETINIK, Corrections Health Care	)	
Administrator at S.C.I. Fayette; MICHAEL	)	
SCRIBNER, Food Services Manage II at	)	
S.C.I. Fayette; TOM MORAN, Food	)	
Services Supervisor at S.C.I. Fayette;	)	
DAVID SWEITZER, Food Services	)	
Supervisor at S.C.I. Fayette; MICHAEL	)	
HERBIK, D.O. at S.C.I. Fayette; ADAM	)	
EBELMAN, State Medical Director for	)	
S.C.I. Fayette; PRISON HEALTH	)	
SERVICES INC. FOR S.C.I. FAYETTE,	)	
Defendants.	)	

**ORDER**

AND NOW, this 18th day of May, 2007, after the plaintiff, Richard Young, filed an action in the above-captioned case, and after defendants Dr. Adam Ebelman, Dr. Michael Herbig, and Prison Health Services, Inc., filed a motion to dismiss, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been

filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion to dismiss filed by defendants Dr. Adam Ebelman, Dr. Michael Herbig, and Prison Health Services, Inc. [Dkt. No. 23] is granted as to plaintiff's procedural due process claims and denied in all other respects. IT IS FURTHER ORDERED that, pursuant to the Prison Litigation Reform Act, plaintiff's claim that his food is prepared and cooked by prisoners thereby violating the Eighth Amendment is dismissed for failure to state a claim.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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